

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN SECTION

MONTAGNO CONSTRUCTION, INC.,
Plaintiff and Defendant in Counterclaim

vs.

ACTION AIR, INC.
Defendant and Plaintiff in Counterclaim

SPATH & SON, INC.
Defendant

Civil Action No. 05-CV-30283

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by the parties, pursuant to Federal Rules of Civil Procedure 41(a)(1)(ii), that all claims, counterclaims, crossclaims and third-party claims asserted by the parties in this matter be dismissed with prejudice.

SO STIPULATED:

The Plaintiff,
MONTAGNO CONSTRUCTION, INC.
By Its Attorneys

The Defendant,
ACTION AIR, INC.
By Its Attorney,

/s/ Daniel J. Finnegan

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Date: June 25, 2007

/s/ Adam J. Basch

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Date: June 25, 2007

The Defendant,
SPATH & SON, INC.
By Its Attorneys

/s/ Mark Draper

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Date: June 25, 2007

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